

RESOLUTION GRANTING THIRD ROUND SUBSTANTIVE CERTIFICATION #09-51

West Orange Township, Essex County

WHEREAS, on December 30, 2008, West Orange Township, Essex County, petitioned the Council on Affordable Housing (COAH) for third round substantive certification of a Housing Element and Fair Share Plan addressing its total 1987-2018 affordable housing obligation; and

WHEREAS, West Orange's petition was deemed complete on February 23, 2009; and

WHEREAS, on February 28, 2009, West Orange published notice of its petition in the *Star Ledger*, which is a newspaper of general circulation within the county, pursuant to N.J.S.A. 52:27D-313 and N.J.A.C. 5:96-3.5; and

WHEREAS, no objections to the plan were received by COAH during the 45-day objection period, which ended April 14, 2009; and

WHEREAS, West Orange's fair share plan addresses its rehabilitation obligation of 324 units, a 226-unit prior round obligation, and a 341-unit projected growth share obligation; and

WHEREAS, West Orange's plan proposes to address its 324-unit rehabilitation obligation through 188 credits for units rehabilitated through the West Orange Housing Rehabilitation Program and through 136 units to be rehabilitated through the same program; and

WHEREAS, West Orange's plan proposes to address its 226-unit prior round obligation with 148 prior cycle credits, 67 post-1986 credits, five age-restricted rental bonuses, and six rental bonuses; and

WHEREAS, West Orange's plan proposes to address its 341-unit projected growth share obligation with 37 post-1986 credits, 83 family and age-restricted rental units in two proposed 100% affordable developments, 30 bedrooms in two proposed group homes, 67 family sale units in the Downtown Redevelopment Area, a six-unit accessory apartment program, and a 57-unit

market to affordable program, along with 18 rental bonuses and 67 compliance bonuses, resulting in a 24-unit surplus; and

WHEREAS, West Orange requested a waiver from N.J.A.C. 5:97-6.9(b)4, to allow the Township to exceed the maximum units permissible in a market to affordable program; and

WHEREAS, that subsection provides that the maximum number of market to affordable units which a municipality may include in its plan is ten sale and ten rental units or ten percent of the fair share obligation, whichever is greater; and

WHEREAS, West Orange requested a waiver, pursuant to N.J.A.C. 5:96-15, to implement a 57-unit market to affordable program to address a portion of its growth share obligation; and

WHEREAS, West Orange's waiver request fosters the production of affordable housing as much needed family rental units will be made available to income eligible households in a timely manner; and

WHEREAS, the Township's waiver request fosters the intent of, if not the letter of, the Council's rules as the market to affordable program is an approved mechanism through which municipalities may address their growth share obligation and all of the units will have 30-year deed restrictions, will be affirmatively marketed and will be occupied by income eligible households; and

WHEREAS, West Orange has a mix of housing types in its plan with family sale and rental units, age-restricted rental units, and supportive and special needs housing; and

WHEREAS, a COAH task force met on November 16, 2009 to discuss the Township's waiver request; and

WHEREAS, the task force recommends that West Orange be granted a waiver from the requirement of N.J.A.C. 5:97-6.9(b)4 enabling the Township to exceed the maximum number of market to affordable units a municipality may utilize to address its projected growth share obligation; and

WHEREAS, West Orange's petition included a waiver request from N.J.A.C. 5:97-3.19(a)1, which requires that a development in a redevelopment area include a minimum set-aside of 15 percent in order to receive redevelopment bonuses; and

WHEREAS, a COAH task force met on November 16, 2009 to discuss the Township's waiver request and recommended that this request be denied and instead found that compliance bonuses are more appropriate for the development in the Downtown Redevelopment Area and considered a waiver from N.J.A.C. 5:97-3.17(a)1, which requires that the development for which compliance bonuses are sought was included as an affordable housing mechanism to address the growth share obligation in a third round petition for substantive certification submitted to COAH prior to January 25, 2007; and

WHEREAS, the task force found that strict application of the rules would impose an unnecessary hardship on the Township and that granting the waiver request meets the waiver criteria by fostering the production of affordable housing, by fostering the intent of the Council's rules, and by contributing to the mix of housing options in the Township's plan; and

WHEREAS, the task force recommends that West Orange be granted a waiver from the requirement of N.J.A.C. 5:97-3.17(a)1, enabling the Township to receive 67 compliance bonuses for the 67 affordable housing units to be created in the Downtown Redevelopment Area; and

WHEREAS, pursuant to N.J.A.C. 5:96-6.2(a)2, on November 23, 2009 COAH issued a Compliance Report (attached as Exhibit A and incorporated by reference herein) recommending approval of West Orange's petition for third round substantive certification; and

WHEREAS, there was a 14-day period to submit comments to the COAH Compliance Report pursuant to N.J.A.C. 5:96-6.2(b) and COAH received a memorandum dated December 4, 2009 from Shirley Bishop, P.P. on behalf of West Orange Township commenting on West Orange's COAH Compliance Report; and

WHEREAS, the memorandum notes that West Orange will participate in the Essex County Home Improvement Program and will continue its municipal rehabilitation program to address its rehabilitation share and also includes a revised implementation schedule for the

Downtown Redevelopment Area indicating construction is expected to be completed in 2013 and 2015 and is summarized and addressed in an Addendum to the Compliance Report, dated December 7, 2009, (attached as Exhibit B and incorporated by reference herein) and does not substantially alter the Compliance Report.

NOW THEREFORE BE IT RESOLVED that the Housing Element and Fair Share Plan submitted by West Orange Township comports with the standards set forth at N.J.S.A. 52:27D-314 and meets the criteria for third round substantive certification pursuant to N.J.A.C. 5:96-6.3; and

BE IT FURTHER RESOLVED that COAH grants the waiver from N.J.A.C. 5:97-6.9(b)4 enabling the Township to exceed the maximum number of market to affordable units a municipality may utilize to address its projected growth share obligation by utilizing 57 market to affordable family rental units to address a portion of its projected growth share obligation; and

BE IT FURTHER RESOLVED that COAH grants the waiver from the requirement of N.J.A.C. 5:97-3.17(a)1, which requires that the development for which compliance bonuses are sought was included as an affordable housing mechanism to address the growth share obligation in a third round petition for substantive certification submitted to COAH prior to January 25, 2007, enabling the Township to receive 67 compliance bonuses for the 67 affordable housing units to be created in the Downtown Redevelopment Area; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-6.3(a), and after having reviewed and considered all of the above, COAH hereby grants third round substantive certification to West Orange Township; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-6.3(e), West Orange shall adopt all implementing Fair Share Ordinances within 45 days of the grant of substantive certification; and

BE IT FURTHER RESOLVED that if West Orange fails to timely adopt its Fair Share Ordinances, COAH's grant of substantive certification shall be void and of no force and effect; and

BE IT FURTHER RESOLVED that West Orange shall submit all Fair Share Ordinances to COAH upon adoption; and

BE IT FURTHER RESOLVED that within 45 days of the grant of substantive certification, West Orange shall designate an Administrative Agent for its market to affordable and accessory apartment programs; and

BE IT FURTHER RESOLVED that within 45 days of the grant of substantive certification, West Orange shall submit to COAH a written operating manual for administering its market to affordable and accessory apartment programs; and

BE IT FURTHER RESOLVED that within 45 days of the grant of substantive certification, West Orange shall submit to COAH an affirmative marketing plan that comports with the requirements of UHAC. Once approved by COAH, the affirmative marketing plan must be adopted by resolution by the Township within 45 days of COAH's approval and submitted to COAH; and

BE IT FURTHER RESOLVED that within 45 days of the grant of substantive certification, West Orange shall submit to COAH an adopted resolution of intent to appropriate funds from the general revenue or bond in the event of a funding shortfall; and

BE IT FURTHER RESOLVED that West Orange shall comply with COAH monitoring requirements as set forth in N.J.A.C. 5:96-11, including reporting the Township's actual growth pursuant to N.J.A.C. 5:97-2.5; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-10.1, COAH shall conduct biennial plan evaluations upon substantive certification of West Orange's Housing Element and Fair Share Plan to verify that the construction or provision of affordable housing has been in proportion to the actual residential growth and employment growth in the municipality and to

determine that the mechanisms addressing the projected growth share obligation continue to present a realistic opportunity for the creation of affordable housing; and

BE IT FURTHER RESOLVED that if upon any biennial review the difference between the number of affordable units constructed or provided in West Orange and the number of units required pursuant to N.J.A.C. 5:97-2.5 results in a prorated production shortage of 10 percent or greater or the mechanisms addressing the projected growth share obligation no longer present a realistic opportunity for the creation of affordable housing, COAH may direct West Orange to amend its plan to address the shortfall; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:97-2.5(e), if the actual growth share obligation determined is less than the projected growth share obligation, West Orange shall continue to provide a realistic opportunity for affordable housing to address the projected growth share; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-6.3(b), West Orange's substantive certification shall remain in effect until December 30, 2018; and

BE IT FURTHER RESOLVED that any changes to the facts upon which this substantive certification is based or any deviations from the terms and conditions of this substantive certification which affect the ability of West Orange to provide for the realistic opportunity of its fair share of low and moderate income housing and which the Township fails to remedy, may render this certification null and void.

I hereby certify that this resolution was
duly adopted by the Council on Affordable
Housing at its public meeting on December 9, 2009.

A handwritten signature in black ink, reading "René Reiss". The signature is fluid and cursive, with the first name "René" and last name "Reiss" clearly distinguishable.

René Reiss, Secretary
Council on Affordable Housing



***Council on Affordable Housing
Compliance Report
November 23, 2009***



Municipality: West Orange Township
County: Essex County

COAH Region: 2
Planning Area: 1
Special Resource Area: None

Housing Element and Fair Share Plan Adopted: 11/5/2008
Petition for 3rd Round Substantive Certification: 12/30/2008
Completeness Determination: 2/23/2009
Date of Publication: 2/28/2009

Objections Received: No

Petition Includes:

VLA: No

GPA: No

Waivers: Yes **Sections:** N.J.A.C. 5:97-3.17(a)1 and 6.9(b)4

Date of Site Visit: 10/1/2009

History of Approvals:

	COAH	JOC	N/A
First Round:			X
Second Round:	10/11/1995		
Extended Certification:	2/9/2005		

Plan Preparer: Shirley Bishop, P.P.

Municipal Housing Liaison: Susan Borg, Director of Planning

SUMMARY OF FAIR SHARE OBLIGATION

Rehabilitation Share	324
Prior Round Obligation	226
Projected Growth Share Obligation	341

ACTUAL GROWTH and GROWTH SHARE through September 30, 2008¹

Res Units (#)	Actual Res Growth Share	Jobs (#)	Actual Non-Res Growth Share	Actual TOTAL Growth Share
254	50.8 units	618	38.6 units	89 units

COMPLIANCE PLAN SUMMARY

Obligation	Credit/ Mechanism Type	# Units Completed	# Units Proposed	TOTAL
Rehabilitation: 324 units				
Credits	Post-April 1, 2000	188		188
Programs	Municipal		136	136
Rehabilitation Subtotal				324
NEW CONSTRUCTION				
Prior Round: 226 units				
Credits	Prior Cycle	148		148
	Post-1986	67		67
Bonuses	Age-Restricted Rental	11		11
Prior Round Subtotal				226
Growth Share: 341 units				
Credits	Post-1986	37		37
Proposed Mechanisms	Redevelopment		67	67
	Supportive/Special Needs Housing		30	30
	Municipally Sponsored/100% Percent Affordable		83	83
	Market to Affordable Program		57*	57
	Accessory Apartment Program		6	6
Growth Share Bonuses	Compliance		67*	67
	Rental		18	18
Growth Share Subtotal				365
Surplus				+24

**If waiver request is granted*

¹ This growth share number does not take into account allowable exclusions permitted under N.J.A.C. 5:97-2.4; therefore, the actual growth share may vary.

I. HOUSING ELEMENT

Pursuant to N.J.S.A. 40:55D-28(b), the Housing Element is a required section of the Municipal Master Plan. The Housing Element must be designed to achieve the goal of access to affordable housing to meet existing and future housing needs, with special attention given to low- and moderate-income households. The housing needs analysis must include demographic information on existing and projected housing stock and employment characteristics, a quantification of low- and moderate-income housing need, and a consideration of the lands within the municipality that are most appropriate to accommodate such housing. West Orange's Housing Element includes sufficient information regarding housing stock, demographic and employment characteristics and population trends pursuant to N.J.S.A. 52:27D-310.

Under N.J.A.C. 5:97-2.1(b), the Housing Element must also set forth the municipality's affordable housing fair share obligation, which is the sum of the rehabilitation share, the prior round obligation and the growth share.

A. Rehabilitation Share

The rehabilitation share is the number of existing housing units within a municipality as of April 1, 2000, that are both deficient and occupied by households of low or moderate income. As indicated in Appendix B of N.J.A.C. 5:97, West Orange has a rehabilitation share of 324 units.

B. Prior Round Obligation

The prior round obligation is the cumulative 1987-1999 new construction obligation provided in Appendix C of N.J.A.C. 5:97. West Orange has a prior round obligation of 226 units.

C. Projected Growth Share

The projected growth share is initially calculated based on household (residential) and employment (non-residential) 2004-2018 projections. Pursuant to Appendix F of N.J.A.C. 5:97, West Orange has a residential projection of 934 units and a non-residential projection of 2,475 jobs, which results in an initial projected growth share obligation of 341 affordable units. West Orange's total projected growth share for the period 1999-

2018 is 341 affordable units consisting of a 186.8-unit projected residential growth share and a 154.68-unit projected non-residential growth share.²

SUMMARY OF FAIR SHARE OBLIGATION

Rehabilitation Share	324
Prior Round Obligation	226
Projected Growth Share Obligation	341

II. FAIR SHARE PLAN

A Fair Share Plan, as required under N.J.A.C. 5:97-3.1, describes the completed or proposed mechanisms and funding sources, if applicable, that will be utilized to specifically address a municipality's rehabilitation share, prior round obligation, and growth share obligation and includes the draft ordinances necessary to implement that plan. Affordable housing must be provided in direct proportion to the growth share obligation generated by the actual growth.

West Orange's Fair Share Plan, and the supporting documentation incorporated by reference therein, address the requirements of N.J.A.C. 5:97-3.1 as follows:

A. Plan to Address Rehabilitation Share

Rehabilitation Share Credits

West Orange is requesting credit for 188 units rehabilitated through the Township's rehabilitation program subsequent to April 1, 2000. In accordance with N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11.

Rehabilitation Credits

Rehabilitation Program	# Credits
West Orange Housing Rehabilitation Program	188
TOTAL	188

² Pursuant to N.J.A.C. 5:97-2.2(d), West Orange's residential projection of 934 is divided by 5 to yield 186.8 units and the non-residential projection of 2,475 jobs is divided by 16 to yield 154.68 units. West Orange's total projected growth share is therefore 341 units (186.8 + 154.68).

Proposed Rehabilitation Program

Township of West Orange Housing Rehabilitation Program

West Orange will utilize its municipal Housing Rehabilitation Program to address 136 units of its rehabilitation obligation.

The Township's municipal rehabilitation program is available to both owner-occupied and rental units. West Orange will dedicate \$2,040,000 in affordable housing trust funds to finance the rehabilitation program with an average cost of approximately \$15,000 per unit. This expenditure is included in West Orange's spending plan. West Orange anticipates that a minimum of 14 units per year will be rehabilitated during the period of third round substantive certification. Life liens are placed on units rehabilitated through the West Orange Housing Rehabilitation Program.

A draft resolution of intent to appropriate funds or bond in the event of a funding shortfall was provided with the Township's petition. An adopted resolution must be provided within 45 days of COAH's grant of substantive certification.

West Orange administers its rehabilitation program with Township staff. The Township must submit COAH's Administrative Agent Designation Form specifying the administrative agent for the program. West Orange must also provide COAH with a copy of the operating manual for its municipal rehabilitation program, as well as an affirmative marketing plan for the re-rental of rehabilitated units within 45 days of the grant of substantive certification.

Proposed Rehabilitation Program

Rehabilitation Program	# Units
West Orange Housing Rehabilitation Program	136
TOTAL	136

B. Plan to Address Prior Round Obligation

Prior Round Obligation Credits

West Orange is addressing its prior round obligation with 148 prior cycle credits, 67 post-1986 credits, five age-restricted rental bonuses, and six rental bonuses. In

accordance with N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11.

Prior Cycle Credits

Project/Development Name	Year Built	Type of Affordable Unit	# Units/Bedrooms
Jewish Federation	1981	Age-restricted rental	134
Degnan House	1980	Age-restricted rental	10
ARC of Essex County – Wedgewood Drive	1984	S/SN housing	4
TOTALS			148

Post-1986 Credits

Project/Development Name	Year Built or Approved	Type of Affordable Unit	# Units/Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
Woodland Valley Senior Homes	1997	Age-restricted rental	53	Age-restricted rental	5	58
Easter Seals Group Home – Kingsley Street	1992	S/SN housing	8	-	-	8
ARC of Essex County – Marmon Terrace	1992	S/SN housing	6	Rental	6	12
TOTALS			67		11	78

Proposed Affordable Housing Mechanisms

West Orange is relying on credits and therefore is not proposing any additional affordable housing mechanisms to address its prior round obligation.

Prior Round Obligation Parameters

West Orange has addressed the applicable prior round parameters as follows:

Prior Round Rental Obligation³: 20 Units

Development/Project Name	Type of Affordable Unit	# Units
Woodland Valley Senior Homes	Age-restricted rental	53
Easter Seals Group Home – Kingsley Street	S/SN housing	8
ARC of Essex County – Marmon Terrace	S/SN housing	6
TOTAL		67

Prior Round Age-Restricted Maximum⁴: 53 Units

Development/Project Name	Type of Affordable Unit	# Units
Woodland Valley Senior Homes	Age-restricted rental	53
TOTAL		53

Prior Round Rental Bonus Maximum⁵: 20 Units

Development/Project Name	Type of Bonus	# Bonuses
Woodland Valley Senior Homes	Age-restricted rental	5
ARC of Essex County – Marmon Terrace	Rental	6
TOTAL		11

C. Plan to Address Projected Growth Share

Growth Share Obligation Credits

West Orange is addressing 37 units of its projected growth share obligation with 37 post-1986 credits. In accordance with N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11.

³ Rental Obligation: $.25(\text{PRO-Prior Cycle Credits})$ or $.25(226-148)= 20$ units N.J.A.C. 5:97-3.10(b)1

⁴ Age-Restricted Maximum: $.25(\text{PRO+Rehabilitation Share-Prior Cycle Credits-Rehabilitation Credits})$ or $.25(226+324-148-188)= 53$ units N.J.A.C. 5:97-3.10(c)1

⁵ No rental bonuses shall be granted for rental units in excess of the prior round rental obligation, therefore, PR Rental Bonus Maximum = PR Rental Obligation or 20 units N.J.A.C. 5:97-3.5

Post-1986 Credits

Project/Development Name	Year Built or Approved	Type of Affordable Unit	# Units/Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
Woodland Valley Senior Homes	1997	Age-restricted rental	4	-	0	4
Developmental Disabilities Association Group Home – Merrywood Drive	1998	S/SN housing	4	-	0	4
Project Live Group Home –Edgewood Avenue	1998	S/SN housing	5	-	0	5
Project Live Group Home – Dogwood Drive	1998	S/SN housing	4	-	0	4
Cerebral Palsy of North Jersey Group Home – Pleasant Valley Way	1997	S/SN housing	6	-	0	6
Essex Housing Preservation – Washington Street	1990	Family rental	4	-	0	4
Essex Housing Preservation –Main Street	1991	Family rental	3	-	0	3
158 Main Street	1990	Family rental	3	-	0	3
Our House Group Home	2009	S/SN housing	4	-	0	4
TOTALS			37		0	37

Proposed Affordable Housing Mechanisms

West Orange proposes to address its remaining 304-unit growth share obligation through the following mechanisms:

Habitat for Humanity/100 Percent Affordable Development

West Orange will utilize two family sale units in the Habitat for Humanity/100 percent affordable development to address two units of its projected growth share obligation.

Habitat for Humanity proposes to construct a two-family dwelling on a parcel it owns located at Whittlesey Avenue. The dwelling will contain one two-bedroom unit and one three-bedroom unit. The parcel fronts on Whittlesey Avenue and contains adequate municipal water and municipal sewage disposal to support the proposed development. The parcel is located entirely in Planning Area 1. While a portion of a flood plain abuts the public sidewalk in front of the parcel, this flood plain does not impact the proposed building envelope. There are no other known environmental constraints that would impact development on the parcel. Surrounding land uses are single- and two-family dwellings. The parcel is located in the RT Zone, which permits two-family dwellings. Habitat for Humanity has received approval for the project from West Orange's Zoning Board of Adjustment and is currently in the process of securing building permits, with construction expected to begin in the spring of 2010.

West Orange contributed the parcel on which the dwelling will be constructed, and Habitat for Humanity has secured monetary and in-kind contributions toward the development and construction of the dwelling. A letter from David Zurheide, Executive Director of Newark Habitat for Humanity, dated February 6, 2009, states that adequate funding has been secured to cover development and construction costs. The Township does not anticipate expending affordable housing trust funds in support of the project.

Freeman Place Group Home

West Orange will rely on the Freeman Place group home to address 15 units of its projected growth share obligation.

The Township will follow an implementation schedule in the development of the Allies group home. Pursuant to N.J.A.C. 5:97-3.2(a)4, the Township has provided an implementation schedule that sets forth a detailed timetable that demonstrates a realistic opportunity as defined under N.J.A.C. 5:97-1.4 and a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.10. The Township's mechanism checklist form includes a timetable for each step of the development process in accordance with N.J.A.C. 5:97-6.10(e), with construction beginning in 2013, requiring that supporting documentation be submitted to COAH in 2011, two years before

construction begins. As such, West Orange must provide COAH with all supporting documentation required pursuant to N.J.A.C. 5:97-6.10(e)2-7.

Allies, Inc. proposes to construct five townhouses containing three bedrooms each for a total of 15 bedrooms on five municipally owned parcels on Freeman Place. The Township intends to donate the parcels to Allies, Inc. The parcels front on both Freeman Place and Union Street and contain adequate municipal water and municipal sewage disposal to support the proposed development. A portion of the site is impacted by the flood plain of the adjacent Rahway River, which will require a buffer from the proposed development. However, a letter from Township Engineer Leonard Lepore indicates that, accounting for a buffer, adequate area remains on the site to construct the proposed development and accessory parking and driveways. There are no other known environmental constraints that would impact development on the site. The site is located entirely in Planning Area 1.

West Orange has provided a copy of a Memorandum of Understanding (MOU) between Allies, Inc. and the Township which states that Allies intends to construct group homes containing a total of 15 bedrooms. The MOU additionally states that none of the bedrooms will be age-restricted, that rents will be structured according to COAH regulations, and that a 30-year deed restriction will be placed on the property.

West Orange will dedicate \$160,000 in affordable housing trust funds toward site preparation costs. The Township provided a draft resolution of intent to appropriate funds or bond in the event of a funding shortfall with its petition and must provide an adopted resolution within 45 days of the grant of substantive certification.

Tompkins Street Group Home

West Orange will rely on the Tompkins Street group home to address 15 units of its projected growth share obligation.

The Township proposes construction of three group homes, each containing five bedrooms, totaling 15 bedrooms on municipally owned land on Tompkins Street. West Orange anticipates partnering with Allies, Inc. to construct the group home. The site on which the group homes will be constructed is 0.36 acres in size and surrounded by residential land uses. There are no known environmental constraints that would preclude

development from occurring and the site contains public water and public sewer in adequate capacity to support the development.

The Township will follow an implementation schedule in the development of the proposed group homes. Pursuant to N.J.A.C. 5:97-3.2(a)4, the Township has provided an implementation schedule that sets forth a detailed timetable that demonstrates a realistic opportunity as defined under N.J.A.C. 5:97-1.4 and a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.10. The Township's mechanism checklist form includes a timetable for each step of the development process in accordance with N.J.A.C. 5:97-6.10(e), with construction beginning in 2013, requiring that supporting documentation be submitted to COAH in 2011, two years before construction begins.

West Orange does not anticipate expending any affordable housing trust funds in support of the project.

Market to Affordable Program

West Orange proposes a market to affordable program to address 75 units of its projected growth share obligation, which includes 57 family rental units and 18 rental bonuses.

Pursuant to N.J.A.C. 5:97-6.9(b)4, a municipality may only utilize market to affordable units to address its growth share obligation in an amount equivalent to 10 percent of this obligation. As such, the maximum number of market to affordable units West Orange may use to address its growth share obligation is 34. West Orange therefore requested a waiver from N.J.A.C. 5:97-6.9(b)4 in order to utilize 57 market to affordable units to address its growth share obligation. A COAH task force heard West Orange's waiver request on November 16, 2009 and recommended that the waiver request be granted.

The units will be subsidized through a written agreement with the property owners and rented to moderate- and low-income households. West Orange intends for half of the units created through the program to be made available to moderate-income households and half of the units to be made available to low-income households. The Township anticipates that five to seven units per year for the period of third round

substantive certification will be converted from a market-rate unit to an affordable unit. West Orange has provided documentation identifying a total of 583 existing market rate rental units located in various apartment complexes that would be suitable for conversion to affordable rental units through the market to affordable program.

West Orange will dedicate a total of \$2,000,000 in affordable housing trust funds toward the program, at approximately \$35,000 per unit. The market to affordable program is included in the Township's spending plan. A draft resolution of intent to appropriate funds or bond in the event of a funding shortfall was provided with the Township's petition. An adopted resolution must be provided within 45 days of COAH's grant of substantive certification.

The Township must designate an Administrative Agent to administer the program and must provide a draft or executed contract or agreement with that agent, an affirmative marketing plan, and an operating manual for the market to affordable program within 45 days of COAH's grant of substantive certification. The units must be certified to be in sound condition as a result of an inspection performed by a licensed building inspector, be affirmatively marketed, and have proper affordability controls and rental pricing.

Accessory Apartment Program

West Orange will rely on six family rental units created through an accessory apartment program to address six units of its projected growth share obligation.

The Township submitted a draft Accessory Apartment ordinance with its petition. This ordinance permits accessory apartments in all residential zones and stipulates that accessory apartments must be created either in an existing single-family dwelling or accessory structure, provided that there is no increase in the exterior outline of the existing dwelling or structure. The ordinance additionally requires that 10-year affordability controls be placed on accessory apartments. The Township anticipates that accessory apartments created through the program will be made available only to moderate-income households. West Orange contains many large homes that may be suitable for creating apartments within them and existing accessory structures that could be converted wholly or partially into apartments.

West Orange will dedicate a minimum of \$20,000 per unit to subsidize the creation of an accessory apartment. The Township anticipates expending a minimum of \$120,000 in affordable housing trust funds to support the program. The accessory apartment program is included in West Orange's spending plan. A draft resolution of intent to appropriate funds or bond in the event of a funding shortfall was provided with the Township's petition. An adopted resolution must be provided within 45 days of COAH's grant of substantive certification.

The Township must designate an Administrative Agent to administer the program and must provide a draft or executed contract or agreement with that agent, an affirmative marketing plan, and an operating manual for the accessory apartment program within 45 days of COAH's grant of substantive certification.

100 Percent Affordable Age-Restricted Development

West Orange will rely on 81 age-restricted rental units in a 100 percent affordable development to address 81 units of its projected growth share obligation.

The Township will follow an implementation schedule in the development of the 100 percent affordable age-restricted development. Pursuant to N.J.A.C. 5:97-3.2(a)4, the Township has provided an implementation schedule that sets forth a detailed timetable that demonstrates a realistic opportunity as defined under N.J.A.C. 5:97-1.4 and a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.7. The Township's mechanism checklist form includes a timetable for each step of the development process in accordance with N.J.A.C. 5:97-6.7(d), with construction beginning in 2017, requiring that supporting documentation be submitted to COAH in 2015, two years before construction begins.

The Township has yet to identify a site for this development. The Township, additionally, does not anticipate expending affordable housing trust funds on the project and indicates that it will rely on public funding to finance property acquisition and development costs.

Downtown Redevelopment Area

West Orange will rely on development in the Downtown Redevelopment Area to address 134 units of its projected growth share obligation, which includes 67 family sale units and 67 compliance bonuses.

The Township's petition included a waiver request from N.J.A.C. 5:97-3.19(a)1, which requires that a development in a redevelopment area include a minimum set-aside of 15 percent in order to receive redevelopment bonuses. On November 16, 2009 a COAH task force considered West Orange's waiver request and recommended that this request be denied. The task force instead found that compliance bonuses are more appropriate for the development in the Downtown Redevelopment Area and recommended approval of a waiver from N.J.A.C. 5:97-3.17(a)1, which requires that the development for which compliance bonuses are sought was included as an affordable housing mechanism to address the growth share obligation in a third round petition for substantive certification submitted to COAH prior to January 25, 2007. Although the development in the Downtown Redevelopment Area does not meet the requirement of having been included in the previous plan, it does meet the other provisions of N.J.A.C. 5:97-3.17 required to receive compliance bonuses. The compliance bonus is intended to enable municipalities that granted development approvals or entered into developer's or redevelopment agreements that included affordable housing requirements consistent with N.J.A.C. 5:94 and relied upon the prior growth share ratios, to keep pace with the increased growth share obligation that will be generated under N.J.A.C. 5:97.

West Orange anticipates that the entirety of the Downtown Redevelopment Area will redevelop with 605 residential units and 18,500 square feet of non-residential space in three separate stages- Phase I, Phase II, and Phase III.

West Orange will follow an implementation schedule for the development to occur in the Downtown Redevelopment Area. Pursuant to N.J.A.C. 5:97-3.2(a)4, West Orange has provided an implementation schedule that demonstrates a realistic opportunity for Phase I of redevelopment and sets forth a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.6. The Township's mechanism checklist form includes a timetable for each step of the development process

in accordance with N.J.A.C. 5:97-6.6(d). The Township's implementation schedule anticipates that construction of Phase I will begin in January of 2010 and that construction on Phase II and Phase III is anticipated to begin in April 2011. West Orange has provided COAH with the documentation required pursuant to N.J.A.C. 5:97-6.7 in accordance with its implementation schedule.

The Township Council passed a resolution in 2001 declaring the parcels that make up the Downtown Redevelopment Area an Area in Need of Redevelopment. A redevelopment plan for the area was first adopted by the Township Council on February 19, 2003, with subsequent amendments adopted on August 15, 2006 and March 6, 2007. A redevelopment agreement between the Township and the redeveloper was entered into on December 20, 2006 and specifies that the development in the Downtown Redevelopment Area shall contain 538 market rate units and 67 affordable on-site family sale units, which constitutes a set-aside of 11 percent. The redeveloper has also provided funding in support of four off-site supportive and special needs housing units.

A development approval was granted by the West Orange Planning Board on September 5, 2007 for Phase I of redevelopment in the Downtown Redevelopment Area. The Planning Board granted approval for 310 residential units and 18,845 square feet of non-residential space, as well as for an adjacent five-story parking garage, all to be constructed and developed at block 66, lots 1, 5 and 7. The Planning Board approval for this development specifies that the developer satisfy the affordable housing requirements specified in the Redevelopment Agreement entered into by and between the Township and the developer.

The Downtown Redevelopment Area constitutes all lots in blocks 64, 66, 115, 116, 116.02 and portions of blocks 89, 114, and 117. The redevelopment area is bounded by the City of Orange to the east, Park Avenue to the south, Main Street to the west, and Kling Street to the north. The redevelopment area is approximately 21 acres in size and is located entirely in Planning Area 1. The redevelopment area presently contains a mix of manufacturing, commercial, automobile-related and residential uses, surfacing parking and vacant parcels. The redevelopment area is located on a public bus route. The

redevelopment area contains public water and public sewer adequate to accommodate the proposed development on the site.

Proposed Growth Share Affordable Housing Mechanisms

Type/Name of Affordable Housing Mechanism	Type of Affordable Unit	# Units/Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
Habitat for Humanity	Family sale	2	-	0	2
Freeman Place Group Home	S/SN housing	15	-	0	15
Tompkins Street Group Home	S/SN housing	15	-	0	15
Market to Affordable	Family rental	57*	-	18	75
Accessory Apartment Program	Family rental	6	-	0	6
Age-Restricted Development	Age-restricted rental	81	-	0	81
Downtown Redevelopment Area	Family sale	67	Compliance	67*	134
TOTALS		243		85	328

**If waiver request is granted*

Growth Share Parameters

West Orange has addressed the applicable growth share parameters as follows:

Growth Share Rental Obligation⁶: 86 Units

Development/Project Name	Type of Affordable Unit	# Units
Woodland Valley Senior Homes	Age-restricted rental	4
Developmental Disabilities Association Group Home – Merrywood Drive	S/SN housing	4
Project Live Group Home – Edgewood Avenue	S/SN housing	5
Project Live Group Home – Dogwood Drive	S/SN housing	4
Cerebral Palsy of North Jersey Group Home – Pleasant Valley Way	S/SN housing	6

⁶ Projected Growth Share Rental Obligation: .25(Projected Growth Share) or .25(341)= 86 units N.J.A.C. 5:97-3.10(b)3

158 Main Street	Family rental	3
Freeman Place Group Home	S/SN housing	15
Our House Group Home	S/SN housing	4
Tompkins Street Group Home	S/SN housing	15
Market to Affordable Program	Family rental	57
Accessory Apartment Program	Family rental	6
Age-Restricted Development	Age-restricted rental	81
Essex Housing Preservation – Washington Street	Family rental	4
Essex Housing Preservation – Main Street	Family rental	3
TOTAL		211

Growth Share Family Rental Requirement⁷: 43 Units

Development/Project Name	Type of Affordable Unit	# Units
Market to Affordable Program	Family rental	27*
Accessory Apartment Program	Family rental	6*
158 Main Street	Family rental	3*
Essex Housing Preservation – Washington Street	Family rental	4*
Essex Housing Preservation – Main Street	Family rental	3*
Market to Affordable Program	Family rental	18
TOTAL		61

*In accordance with N.J.A.C. 5:97-3.6(a)4, these units are addressing the minimum family rental requirement and are therefore not eligible to receive rental bonuses.

Growth Share Minimum Family Requirement⁸: 128 Units

Development/Project Name	Type of Affordable Unit	# Units
Habitat for Humanity	Family sale	2
Downtown Redevelopment Area	Family sale	67
Market to Affordable Program	Family rental	57

⁷ Projected Growth Share Family Rental Requirement: .5(Projected Growth Share Rental Requirement) or .5(86)= 43 units N.J.A.C. 5:97-3.4(b)

⁸ Projected Growth Share Family Requirement: .5(Units Addressing the Growth Share Obligation) or .5(341-85)= 128 units N.J.A.C. 5:97-3.9. This requirement may increase if West Orange's redevelopment bonus waiver request is not granted.

158 Main Street	Family rental	3
Accessory Apartment Program	Family rental	6
Essex Housing Preservation – Washington Street	Family rental	4
Essex Housing Preservation – Main Street	Family rental	3
TOTAL		142

Very Low Income Minimum Requirement⁹: 33 Units

Development/Project Name	Type of Affordable Unit	# Units
Developmental Disabilities Association Group Home – Merrywood Drive	S/SN housing	4
Project Live Group Home – Edgewood Avenue	S/SN housing	5
Project Live Group Home – Dogwood Drive	S/SN housing	4
Cerebral Palsy of North Jersey Group Home – Pleasant Valley Way	S/SN housing	6
Freeman Place Group Home	S/SN housing	15
Our House Group Home	S/SN housing	4
Tompkins Street Group Home	S/SN housing	15
Market to Affordable Program	Family rental	16
TOTAL		69

Age-Restricted Maximum¹⁰: 85 Units

Development/Project Name	Type of Affordable Unit	# Units
Woodland Valley Senior Homes	Age-restricted rental	4
Age-Restricted Development	Age-restricted rental	81
TOTAL		85

⁹ Growth Share Very Low Income Requirement: .13(Units Addressing the Growth Share Obligation) or .13(341-85)= 33 units pursuant to P.L.2008, c.46. This requirement may increase if West Orange's redevelopment bonus waiver request is not granted.

¹⁰ Projected Growth Share Age Restricted Maximum: .25(Projected Growth Share) or .25(341)= 85 units N.J.A.C. 5:97-3.10(c)

Bonus Maximum¹¹: 85 Bonuses

Development/Project Name	Type of Bonus	# Bonuses
Downtown Redevelopment Area	Compliance	67
Market to Affordable Program	Rental	18
TOTAL		85

Actual Growth Share Obligation

The actual growth share obligation will be based on permanent certificates of occupancy issued within the municipality for market-rate residential units and newly constructed or expanded non-residential developments in accordance with Appendix D of N.J.A.C. 5:97. At plan evaluation review pursuant to N.J.A.C. 5:96-10, COAH will compare the actual growth share obligation with the actual number of affordable units constructed.

The New Jersey Department of Community Affairs (NJ DCA) *Construction Reporter* indicates that between January 1, 2004 and September 2008, West Orange issued certificates of occupancy for 254 housing units and for the non-residential square footage equivalent of 618 jobs, yielding an actual growth share obligation through September 30, 2008, of 89 affordable units¹². Pursuant to N.J.A.C 5:97-2.5, West Orange is required to provide affordable housing in direct proportion to the growth share obligation generated by the actual growth, which shall be monitored at its biennial review. At that time, West Orange shall demonstrate that it has provided sufficient affordable units to keep pace with its actual growth.

¹¹ Projected Bonus Maximum: $.25(\text{Projected Growth Share})$ or $.25(341)= 85$ units N.J.A.C. 5:97-3.20

¹² The number of residential COs (254) is initially divided by 5 to yield 50.8 units and the number of jobs (618) is initially divided by 16 to yield 38.62 units. West Orange's total actual growth share is therefore 89 units (50.8+38.62). **Note:** This number does not take into account allowable exclusions permitted under N.J.A.C. 5:97-2.4; therefore, the actual growth share may vary.

D. Summary of Plan to Address Fair Share Obligation

REHABILITATION SHARE SUMMARY

Rehabilitation Share: 324 Units

Program Name	Credits	Proposed
West Orange Housing Rehabilitation Program	188	136
TOTAL		324

PRIOR ROUND SUMMARY

Prior Round Obligation: 226 Units

	Name of Mechanism	# Units/ Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
Prior Cycle Credits	Jewish Federation	134			
	ARC of Essex County Group Home – Wedgewood Drive	4			
	Degnan House	10			
Post-1986 Credits	Woodland Valley	53	Age- restricted rental	5	58
	Easter Seals Group Home	8	-	-	8
	ARC of Essex County Group Home – Marmon Terrace	6	Rental	6	12
Subtotal		215		11	
TOTAL					226

GROWTH SHARE SUMMARY
Projected Growth Share Obligation: 341 Units

	Name of Mechanism	# Units/ Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
Post-1986 Credits	Woodland Valley	4	-	0	4
	Developmental Disabilities Association Group Home	4	-	0	4
	Project Live Group Home – Edgewood Avenue	5	-	0	5
	Project Live Group Home – Dogwood Drive	4	-	0	4
	Cerebral Palsy of North Jersey Group Home	6	-	0	6
	Essex Housing Preservation – Washington Street	4	-	0	4
	Essex Housing Preservation – Main Street	3	-	0	3
	158 Main Street	3	-	0	3
	Our House Group Home	4	-	0	4
Subtotal		37		0	
Proposed Mechanisms	Habitat for Humanity	2	-	0	2
	Freeman Place Group Home	15	-	0	15
	Tompkins Street Group Home	15	-	0	15
	Market to Affordable	57*	Rental	18	75

Proposed Mechanisms, cont.	Accessory Apartment Program	6	-	0	6
	Age-Restricted Development	81	-	0	81
	Downtown Redevelopment Area	67	Compliance	67*	134
Subtotal		243		85	
TOTAL					365
Surplus					+24

**If waiver request is granted*

III. FAIR SHARE DOCUMENT REVIEW

A. Development Fee Ordinance

West Orange submitted a draft amended development fee ordinance for COAH's review and approval with its third round petition. The amended development fee ordinance will be reviewed by COAH in a separate report.

B. Third Round Spending Plan

A third round spending plan was submitted by West Orange with the Townships third round petition for COAH's review and approval. The spending plan will be reviewed by COAH in a separate report.

C. Affordable Housing Ordinance/Affordable Housing Administration

West Orange has submitted a draft affordable housing ordinance that comports with the requirements of the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 et seq., which was amended on December 20, 2004. The draft proposed ordinance has been amended to comply with the Barrier Free Subcode of the State Uniform Construction Code Act (N.J.S.A. 52:27D-119 et seq.) and the accessibility requirements of N.J.S.A. 52:27D-123.15. The draft ordinance must be adopted within 45 days of COAH's grant of substantive certification and submitted to COAH immediately upon adoption.

An ordinance establishing the position of a municipal housing liaison and a

resolution appointing a municipal housing liaison were adopted by the Township on July 19, 2005 and May 23, 2006, respectively.

West Orange is responsible for the continued re-sale and re-rental of existing affordable units and the initial sale and rental of newly constructed affordable units within the Township and must identify an experienced administrative entity for that purpose by contract, agreement or letter. Within 45 days of the grant of substantive certification, West Orange must submit a contract with an administrative entity as its administrative entity for affordable units. Pursuant to N.J.A.C. 5:80-26.14(b), West Orange must also submit a written operating manual for administering affordable units within the Township within this same time frame.

D. Affirmative Marketing Plan

West Orange must submit an affirmative marketing plan that comports with the requirements of the UHAC and ensures the units in the Township's 1987-2018 Fair Share Plan and all future affordable housing units will be affirmatively marketed to the region upon initial sale/rental and re-sale/re-rental. Once approved by COAH, the affirmative marketing plan must be adopted by resolution by the Township within 45 days of COAH's grant of substantive certification and submitted to COAH.

IV. COMMENTS

Kevin D. Walsh, on behalf of Fair Share Housing Center (FSHC), submitted a letter dated April 14, 2009, commenting on West Orange's Fair Share Plan during the 45-day objection period. FSHC states that the letter is not intended as an objection to the Township's plan pursuant to N.J.A.C. 5:96-4.1.

FSHC's Comments

FSHC's first comment addresses West Orange's plan to address its very-low income obligation. FSHC states that the Township must address half of its very-low income obligation with family housing, pursuant to a letter that COAH issued to municipalities on October 30, 2008.

FSHC's second comment expresses concern regarding the Township's waiver request from the requirement of N.J.A.C. 5:97-3.19(a)1 in seeking redevelopment bonuses for the Downtown Redevelopment Area.

COAH's Response to FSHC Comments

FSHC's first comment has been addressed by the Township. West Orange has agreed to provide 16 very-low income family rental units through its market to affordable program, thereby ensuring that 50 percent of its very-low income units are available to families.

Regarding FSHC's second comment, on November 16, 2009, a COAH task force considered West Orange's waiver request from the requirement of N.J.A.C. 5:97-3.19(a)1 and recommended that this request be denied. The task force instead found that compliance bonuses are more appropriate for the development in the Downtown Redevelopment Area and recommended approval of a waiver from N.J.A.C. 5:97-3.17(a)1, which requires that the development for which compliance bonuses are sought was included as an affordable housing mechanism to address the growth share obligation in a third round petition for substantive certification submitted to COAH prior to January 25, 2007.

V. MONITORING

West Orange must comply with COAH monitoring requirements as set forth in N.J.A.C. 5:96-11, including reporting the municipality's actual growth pursuant to N.J.A.C. 5:97-2.5. As indicated above, credits for built units will be validated and verified by COAH staff during monitoring prior to the first biennial plan evaluation. It should be noted that credits for affordable housing programs and/or affordable units must be in compliance with N.J.A.C. 5:97-4. If the units are determined not to be eligible for credit, COAH will notify West Orange in writing and the Township may be directed to amend its certified plan to address the shortfall.

Pursuant to N.J.A.C. 5:96-10.1, COAH will conduct biennial plan evaluations upon substantive certification of West Orange's Housing Element and Fair Share Plan. The purpose of the plan evaluation is to verify that the construction or provision of

affordable housing has been in proportion to the actual residential growth and employment growth in the municipality and to determine that the mechanisms addressing the projected growth share obligation continue to present a realistic opportunity for the creation of affordable housing. If upon any biennial review the difference between the number of affordable units constructed or provided in West Orange and the number of units required pursuant to N.J.A.C. 5:97-2.5 results in a prorated production shortage of 10 percent or greater, the Township is not adhering to its implementation schedule pursuant to N.J.A.C. 5:97- 3.2(a)4, or the mechanisms addressing the projected growth share obligation no longer present a realistic opportunity for the creation of affordable housing, the Council may direct the municipality to amend its plan to address the shortfall.

VI. RECOMMENDATION

COAH staff recommends that West Orange be granted third round substantive certification. A COAH task force also recommends approval of the waiver from N.J.A.C. 5:97- 3.17(a)1 in order to receive compliance bonuses for the Downtown Redevelopment Area and N.J.A.C. 5:97-6.9(b)4 to exceed the permitted number of market to affordable units to address the projected growth share obligation. West Orange must adopt all necessary implementing ordinances within 45 days of the grant of substantive certification and submit certified copies of the adopted ordinances to COAH within seven days of the adoption. West Orange must additionally submit the following:

- 1) West Orange must designate an administrative entity for its market to affordable and accessory apartment programs and must submit COAH's Administrative Agent Designation Form specifying the administrative agent for its municipal rehabilitation program within 45 days of COAH's grant of substantive certification.
- 2) Pursuant to N.J.A.C. 5:80-26.14(b), West Orange must submit a written operating manual for administering its market to affordable and accessory apartment programs and a copy of the operating manual for its municipal

rehabilitation program within 45 days of COAH's grant of substantive certification.

- 3) West Orange must submit an affirmative marketing plan within 45 days of the grant of substantive certification for COAH's approval that comports with the requirements of UHAC. Once approved by COAH, the affirmative marketing plan must be adopted by resolution by the Township within 45 days of COAH's approval and submitted to COAH.
- 4) The Township must provide within 45 days of COAH's grant of substantive certification an adopted resolution of intent to appropriate funds from the general revenue or bond in the event of a funding shortfall.

**COAH ADDENDUM IN RESPONSE TO COMMENTS
RECEIVED REGARDING COMPLIANCE REPORT
WEST ORANGE TOWNSHIP / ESSEX COUNTY
REGION #2
December 7, 2009**

During the 14-day comment period to West Orange Township's Compliance Report, a memorandum was received from Shirley Bishop, P.P. on behalf of West Orange Township. The memorandum does not substantially alter the Compliance Report.

West Orange Township Comments

On December 7, 2009, COAH received a memorandum from Shirley Bishop, P.P. on behalf of West Orange Township, reviewing and commenting on West Orange's COAH Compliance Report.

The memorandum notes that, in addition to its municipal rehabilitation program, West Orange will also participate in the Essex County Home Improvement Program to address its remaining 136-unit rehabilitation share.

The memorandum also sets forth a modified implementation schedule for the Downtown Redevelopment Area. While COAH's Compliance Report notes that construction of Phase I of the redevelopment area will be completed in 2010 and that construction on Phase II and Phase III of the redevelopment area will be completed in 2011, West Orange now anticipates that construction on Phase I of the redevelopment area will be completed in 2013 and that construction on Phase II and Phase III of the redevelopment area will be completed in 2015.

COAH's Response

Ms. Bishop is correct; West Orange's rehabilitation mechanism checklist indicates that the Township will participate in the Essex County Home Improvement Program and will continue its municipal rehabilitation program. In regard to the modified implementation schedule, the revised schedule anticipates that construction on Phase I of the redevelopment area will be completed in 2013 and that construction on

Phase II and Phase III of the redevelopment area will be completed in 2015, rather than 2010 and 2011. The Township's actual growth share through September 30, 2008 is 89 units. The Township's plan relies on 37 post-1986 credits, 57 units through a market to affordable program, and six units through an accessory apartment program to address its actual growth share. The Township has provided the necessary documentation for the market to affordable and accessory apartment programs. Both comments are incorporated in COAH's resolution granting substantive certification.